

**BID OPENING**  
CITY OF SAN JOSE  
OFFICE OF THE CITY CLERK

RECEIVED  
San Jose City Clerk  
OCT 29 AM 11:14

City Clerk  
Time Stamp

TOTAL BASE BID 486,800

ALT NO. 1 \_\_\_\_\_

ALT NO. 2 \_\_\_\_\_

ALT NO. 3 \_\_\_\_\_

Alt No. 4 \_\_\_\_\_

Alt No. 5 \_\_\_\_\_

BID DATE: Thursday, October 29, 2009

Project Manager: Mathew Nguyen – 535-8382

**SANITARY SEWER CONDITION ASSESSMENT-  
CCTV INSPECTION 2009-2010**

BIDDER NAME: Empire Dope Cleaning & Equip

Bond ☒ Cashier's Check \_\_\_\_\_

Addendums Included ( ☒ )

YES \_\_\_\_\_ NO \_\_\_\_\_

NonCollusion Affidavit ☒

YES \_\_\_\_\_ NO \_\_\_\_\_

## **BID DOCUMENTS**

# **PROPOSAL TO CITY OF SAN JOSE**

**FOR**

## **SANITARY SEWER CONDITION ASSESSMENT - CCTV INSPECTION 2009-2010**

Name of Bidder: EMPIRE PIPE CLEANING & EQUIPMENT, INC.

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Specifications approved by the Director of Public Works on September 29, 2009, entitled **SANITARY SEWER CONDITION ASSESSMENT - CCTV INSPECTION 2009-2010** on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

## SCHEDULE OF QUANTITIES

### SANITARY SEWER CONDITION ASSESSMENT - CCTV INSPECTION 2009-2010

ITEM NO	SPEC. SECTION	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	EXTENSION
1a.	12-2	Police Officers (minimum of \$48.00/hour) (Revocable)	Hr.	500	\$48.00	\$24,000.00
1b	12-2	Police Officers (in addition to the minimum above) - (Revocable)	Hr.	500	0	0
2.	1307	Inspection of Pipeline (Revocable)	L.F.	300,000	\$1.14	\$342,000.00
3.	1308-2	Jet Cleaning of Pipeline 12" or Smaller (Revocable)	L.F.	8,000	\$0.02	\$160.00
4.	1308-2	Jet Cleaning of Pipeline larger than 12" (Revocable)	L.F.	2,000	\$0.02	\$40.00
5.	1308-3	Removal and Disposal at the SJ/SCWPCP (Revocable)	C.Y.	600	\$1.00	\$600.00
6.	1308-3	Allowance for Removal and Disposal at an off-site facility (Revocable)	L.S.	1	\$120,000.00	\$120,000.00
<b>TOTAL</b>						<b>\$486,800.00</b>

October 22, 2009

**ADDENDUM NO. 1  
TO  
THE SPECIFICATIONS  
FOR  
SANITARY SEWER CONDITION ASSESSMENT - CCTV INSPECTION 2009-2010**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into the Specifications for the Sanitary Sewer Condition Assessment - CCTV Inspection 2008-2009 Project.

**IMPORTANT**

THIS ADDENDUM SHALL BE ACKNOWLEDGED WHEN YOUR BID IS SUBMITTED. FAILURE TO ACKNOWLEDGE THE ADDENDUM MAY CONSTITUTE GROUNDS FOR REJECTION OF THE BID.

**INSTRUCTIONS:**

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligation to include this addendum in the bid proposal.

*Empire Pipe Cleaning & Equipment, Inc.*  
Approved By:  
Bidder's Name

*[Signature]* VICE PRESIDENT  
Signature and Title of Bidder

*[Signature]*  
TIMM BORDEN  
Deputy Director of Public Works Department

*10/27/09*  
Date

THIS ADDENDUM CONTAINS 2 PAGES

**BIDDERS**

October 22, 2009

**Subject: Addendum 1 to the Specification for Sanitary Sewer Condition Assessment - CCTV Inspection  
2009-2010**

Page 2

**SPECIFICATIONS:**

**ITEM #1**

**PAGE 80, SECTION 1307-3, "EQUIPMENT"**

**REMOVE** the first four paragraphs on page 80, beginning with: "Cleaning equipment shall consist of ..." and ending with "... and disposal plan and duration of cleaning time."

## **BIDDER'S BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

That we, EMPIRE PIPE CLEANING & EQUIPMENT, INC. as PRINCIPAL, and INSURANCE COMPANY OF THE WEST a corporation duly organized under the laws of the State of CALIFORNIA and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of TEN PERCENT OF THE TOTAL AMOUNT BID DOLLARS (\$ 10% \*\*\*).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on Thursday, October 29, 2009 for **SANITARY SEWER CONDITION ASSESSMENT - CCTV INSPECTION 2009-2010**.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 23RD  
day of OCTOBER, 2009.

PRINCIPAL

SURETY

EMPIRE PIPE CLEANING & EQUIPMENT, INC.

INSURANCE COMPANY OF THE WEST

Legal Company Name

Legal Company Name

Indicate Type of Entity

By

Mary G. Van Dyke  
Title: President

By

[Signature]  
Title: DWIGHT REILLY, ATTORNEY-IN-FACT

By

[Signature]  
Title: VICE-PRESIDENT

By

Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)



## ACKNOWLEDGMENT

State of California  
County of ORANGE

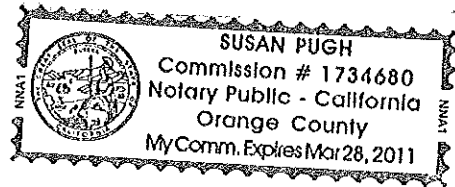
On OCTOBER 23, 2009 before me, SUSAN PUGH, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared DWIGHT REILLY  
who proved to me on the basis of satisfactory evidence to be the person(x) whose name(x) is/~~are~~  
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in  
his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(x) on the instrument the  
person(x), or the entity upon behalf of which the person(x) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Susan Pugh* (Seal)  
SUSAN PUGH



**ICW GROUP**  
**Power of Attorney**  
**Insurance Company of the West**  
**Explorer Insurance Company**      **Independence Casualty and Surety Company**

KNOW ALL MEN BY THESE PRESENTS: That Insurance Company of the West, a Corporation duly organized under the laws of the State of California, Explorer Insurance Company, a Corporation duly organized under the laws of the State of California, and Independence Casualty and Surety Company, a Corporation duly organized under the laws of the State of Texas, (collectively referred to as the "Companies"), do hereby appoint

DWIGHT REILLY, H. J. DUECK, ALLISON RITTO

their true and lawful Attorney(s)-in-Fact with authority to date, execute, sign, seal, and deliver on behalf of the Companies, fidelity and surety bonds, undertakings, and other similar contracts of suretyship, and any related documents.

In witness whereof, the Companies have caused these presents to be executed by its duly authorized officers this 2nd day of January, 2008.



*Jeffrey D. Sweeney*

Jeffrey D. Sweeney, Assistant Secretary

State of California } ss.

County of San Diego

**INSURANCE COMPANY OF THE WEST**  
**EXPLORER INSURANCE COMPANY**  
**INDEPENDENCE CASUALTY AND SURETY COMPANY**

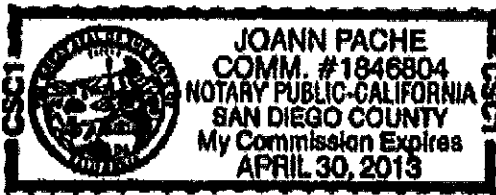
*J. Douglas Browne*

J. Douglas Browne, Senior Vice President

On May 21, 2009, before me, JoAnn Pache, Notary Public, personally appeared J. Douglas Browne and Jeffrey D. Sweeney, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument, the entity upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



*JoAnn Pache*

JoAnn Pache, Notary Public

#### RESOLUTIONS

This Power of Attorney is granted and is signed, sealed and notarized with facsimile signatures and seals under authority of the following resolutions adopted by the respective Boards of Directors of each of the Companies:

"RESOLVED: That the President, an Executive or Senior Vice President of the Company, together with the Secretary or any Assistant Secretary, are hereby authorized to execute Powers of Attorney appointing the person(s) named as Attorney(s)-in-Fact to date, execute, sign, seal, and deliver on behalf of the Company, fidelity and surety bonds, undertakings, and other similar contracts of suretyship, and any related documents.

RESOLVED FURTHER: That the signatures of the officers making the appointment, and the signature of any officer certifying the validity and current status of the appointment, may be facsimile representations of those signatures; and the signature and seal of any notary, and the seal of the Company, may be facsimile representations of those signatures and seals, and such facsimile representations shall have the same force and effect as if manually affixed. The facsimile representations referred to herein may be affixed by stamping, printing, typing, or photocopying."

#### CERTIFICATE

I, the undersigned, Assistant Secretary of Insurance Company of the West, Explorer Insurance Company, and Independence Casualty and Surety Company, do hereby certify that the foregoing Power of Attorney is in full force and effect, and has not been revoked, and that the above resolutions were duly adopted by the respective Boards of Directors of the Companies, and are now in full force.

IN WITNESS WHEREOF, I have set my hand this 23RD day of OCTOBER, 2009.

*Jeffrey D. Sweeney*

Jeffrey D. Sweeney, Assistant Secretary

To verify the authenticity of this Power of Attorney you may call 1-800-877-1111 and ask for the Surety Division. Please refer to the Power of Attorney Number, the above named individual(s) and details of the bond to which the power is attached. For information or filing claims, please contact Surety Claims, ICW Group, 11455 El Camino Real, San Diego, CA 92130-2045 or call (858) 350-2400.

# NONCOLLUSION AFFIDAVIT

Project Title: **SANITARY SEWER CONDITION ASSESSMENT - CCTV INSPECTION 2009-2010.**

Craig R. Van Thyn, being first duly sworn, deposes and says that he/she is  
(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on 10/29/2009

Empire Pipe Cleaning & Equipment, Inc. City Business Lic. No.: \_\_\_\_\_  
Legal Company Name Expiration Date: \_\_\_\_\_  
CORPORATION. State Contractor Lic. No.: 363528  
Indicate Type of Entity: Sole Proprietorship, Classification: C42  
Partnership (General/Limited Partners), Expiration Date: 9/30/2010  
Corporation, Joint Venture, etc. Federal I. D. No.: 95-2996329  
Address: 1783 N. Neville St  
ORANGE CA 92665  
Telephone: 714 639 8352  
By: [Signature] Fax: (714) 283-8578  
Title: VICE-PRESIDENT

\*\*\*\*\*

NOTARY

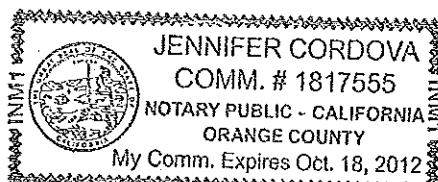
On October 28, 2009 before me, Jennifer Cordova, Notary Public, personally appeared  
Craig R. Van Thyn (name and title of officer) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jennifer Cordova  
Notary Public

(Seal)



in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

## **STATEMENT OF BIDDER'S EXPERIENCE**

Bidder shall list verifiable information demonstrating that it has, by its own forces, successfully completed a minimum of four (4) CCTV inspection projects totaling a minimum of 20,000 feet of pipeline within the last five (5) years using NASSCO's guidelines and standards.

<b><u>PROJECT NAME</u></b>	<b><u>AGENCY/ENTITY CONTACT INFO.</u></b>	<b><u>DATE OF COMPLETION</u></b>	<b><u>LINEAR FEET</u></b>
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See ATTACHED.

# **Cleaning & Television Inspection of Sanitary Sewer Lines**

## **EPCE REFERENCES**

### **City of Lynwood**

CONTACT: Jose Molina ♦ PHONE: 310-603-0220  
Cleaning and Video Inspection of 520,000 Feet of Sewer Line  
2000 Manhole Inspections

### **City of Placentia**

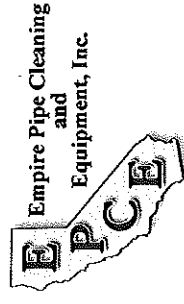
CONTACT: Joel Cardenas ♦ PHONE: 714-238-2425  
Cleaning and Video Inspection of Sewer Lines  
Over 300,000 Feet of Sewer line ♦ 2007 to present

### **City of Garden Grove**

CONTACT: Brent Hayes ♦ PHONE: 714-741-5395  
Cleaning and Video Inspection of Sewer Lines  
300,000 Feet of Sewer Line ♦ 2004  
400,000 Feet of Sewer Line ♦ 2005

### **City of Norwalk**

CONTACT: Noel Ford ♦ PHONE: 562-929-5599  
Cleaning and Video Inspection of Sanitary Sewer  
Lines  
475,000 Feet of Sewer Line ♦ 2000 – Present



# **Cleaning & Television Inspection of Sanitary Sewer Lines**

## **EPCF REFERENCES**

### **City of Anaheim / Carollo Engineers**

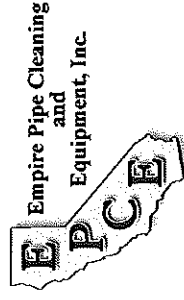
CONTACT: Tim Loper ♦ PHONE: 559-436-6616  
Cleaning and Video Inspection of Sanitary Sewers  
450,000 lineal feet / 1700 Manhole Inspections ♦ 2006/2007

### **City of Stanton**

CONTACT: Shawn Crumby ♦ PHONE: 714-379-9222  
Cleaning and Video Inspection of Sanitary Sewer Lines  
220,000 Feet of Sewer Line ♦ 2008-2009

### **City of Hermosa Beach**

CONTACT: Michael Flaherty ♦ PHONE: 310-318-0259  
Cleaning and Video Inspection of Sewer Lines  
175,000 Feet Annually of Sewer Line ♦ Sept. 1996 to present



# LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
ALTUS TRAFFIC MANAGEMENT	10806 WILLOW CT SUITE A SAN DIEGO CA 92127	2% TRAFFIC CONTROL